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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,886	06/21/2001	Ken Ilkka	7104/81880	6121

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EXAMINER

PARKER, FREDERICK JOHN

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/886,886	Applicant(s) ILKKA, KEN	
	Examiner Frederick J. Parker	Art Unit 1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-14 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Specification

1. The following title is suggested: the word “pad” or “stamp” should be inserted before “printing” in the title to clearly define the title.
2. The disclosure is objected to because of the following informalities: (1) page 4, [0008]; page 6, [0016]; page 7, [017], the basis of the percentages (by wt, vol, molar, etc) are not stated (2)[0016] the criteria for “government or industry standards or requirements” are not defined, and not apparent to the skilled artisan (3) on line 7 of [002], “stam” appears to be a typo. Appropriate correction is required.

Claim Objections

2. Claim 2 is objected to because of the following informalities: (1) claim 2, line 1, “claim1” should be 2 words. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3,7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1 is vague and indefinite because the meaning and criteria of “industry standard printing” is unclear, undefined, and not apparent to the skilled artisan.

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- Claims 1-2 are confusing because the relationship between the “automobile part” and the “chrome plated object” is unclear.
- Claim 3 is vague and indefinite because the basis of the percentages (by wt, vol., molar, etc) are not stated; the claim contains the trademark/trade name ZK. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe the ink and, accordingly, the identification/description is indefinite.
- Claims 1,7 are vague and indefinite because while the part must have chrome plating, it is not necessary for the entire part to be chrome plated, so it is unclear if the ink printing is applied to the chrome plated sections of the part or ANY part of a substrate comprising chrome plating.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-2,5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pryor et al US 4269874 in view of Alden US 4538560.

The "Background..." section of Pryor et al teaches that in manufacturing, e.g. of automotive parts, the parts are "routinely marked" to signify good versus bad parts, part type, shift when made, etc. Marking has traditionally been carried out by means including stamp-type ink/ paint markers (inherently possessing raised ink printing portions) in which ink wets the stamp and is transferred onto the part (col. 1, 8-31). Applying the raised inked portions to a part plated with chrome is not taught. However, Alden teaches chrome plated engine valve covers, the chrome plating being applied to brighten the appearance of the engine and enhance worth of the automobile (col. 1, 13-17; col. 2, 46-48). Fabrication is by stamping (col.2/ 7-12) which is a form of molding since a molding form is required on which the metal part is stamped. While marking the valve cover via ink stamping is not taught, Pryor et al teaches this to be routine for automobile parts, and hence the skilled artisan would have found it obvious to apply such markings via ink stamping to signify quality, part type, etc for a specific automotive part, per claim 6. While agitating the ink is not expressly cited, clearly, application of ink to a stamp and subsequent transfer of the into the part would agitate ink, agitation conventionally meaning "the

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action of moving". Alternatively, the skilled artisan applying ink would have understood that printing ink is a suspension of a pigment in a liquid vehicle, so that agitation of the ink to achieve a uniform suspension prior to inking and printing would have been an obvious step. Since Applicants' claims merely require agitation, the limitation would have been obvious and met by either alternative.

As to claim 8, it is the Examiner's position that cleaning by wiping of surfaces to be printed is notoriously conventional and obvious to permit improved adhesion of the substrate and ink, since grease, dirt, and other surface contamination are well-known to impede such adhesion. If the Applicant disagrees, then it should be so stated on the record along with reasoning.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to carry out the ink stamping method of Pryor et al on the chrome plated part of Alden because automotive parts are "routinely marked" to signify good versus bad parts, part type, shift when made, etc by ink stamping.

8. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pryor et al US 4269874 in view of Alden US 4538560 and further in view of Reinke et al US 3170393.

Pryor and Alden are cited for the same reasons above. Heating the printed object is not cited. However, Reinke et al teaches the concept of printing inks onto substrates including metal, followed by drying using a suitable heating element to hasten the drying/ curing process of the ink. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pryor et al in view of Alden by heating the printed metal article as taught by Reinke et al to hasten the drying/ curing process of the ink, and thereby improve the

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efficiency of the metal printing process. Specific heating times and temperatures would have been determined by the skilled artisan by routine experimentation and/ or readily available technical information for any specific ink and printing process.

9. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pryor et al US 4269874 in view of Alden US 4538560 and further in view of Reinke et al US 3170393 and further in view of Kallander et al US 2227720.

Pryor, Reinke et al, and Alden are cited for the same reasons above. Etching a metal substrate is not cited. However, Kallander et al teaches it is conventionally known to treat metal surfaces with an acid to allow the adherence of printing ink. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Pryor et al in view of Alden and Reinke et al by acid etching the metal substrate to provide a further step for improving adhesion of the printed ink coatings to the substrate.

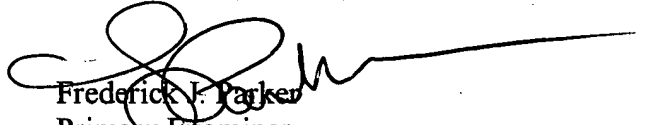
10. Claims 3-4 distinguish over the prior art which does not teach nor suggest the ink composition of claim 3 for the process as claimed in claim 1; however, claim 3 is rejected under 35 USC 112 above; claim 4 is objected to for depending from rejected claim 3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meeks Timothy can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frederick J. Parker
Primary Examiner
Art Unit 1762

fjp